

## Marzolf, Steve

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**From:** Michael.Crockett@roanokeva.gov  
**Sent:** Friday, December 02, 2005 12:40 PM  
**To:** Marzolf, Steve  
**Subject:** Re: FW: Legislative Committee Meeting Results

Steve,

Yes I got it and have read it.

We support the Virginia State Chapter position letter dated December 1, 2005.

Mike

Mike Crockett  
Superintendent, City of Roanoke E9-1-1  
215 Church Ave SW  
Room 152  
Roanoke, VA 24011  
Phone 540-853-2945  
Pager 540-512-4207  
Cell 540-915-5414

"Marzolf, Steve"  
<Steve.Marzolf@vi  
ta.virginia.gov>

12/02/2005 12:15  
PM

To  
<michael.crockett@roanokeva.gov>

cc

Subject  
FW: Legislative Committee Meeting  
Results

Since your city manager submitted comments to the Board before the last meeting, I wanted to make sure you received this (though I believe you are on the listserver as well) so that you could have an opportunity to revise your comments, if necessary.

Thanks for your comments and time...Hope you can make it on Monday.

Steve Marzolf  
Virginia Information Technologies Agency Division of Public Safety Communications  
411 E. Franklin Street, Suite 500  
Richmond, Virginia 23219  
(804) 371-0015 (voice)  
(866) 4-VA-E911 (toll free)  
(804) 371-2277 (fax)  
steve.marzolf@vita.virginia.gov

-----Original Message-----

From: Marzolf, Steve  
Sent: Friday, December 02, 2005 11:26 AM  
To: '911@vipnet.org'  
Subject: FW: Legislative Committee Meeting Results

First, I want to again thank everyone that came to the Legislative Committee meeting on Tuesday. Your for your input and time were greatly appreciated.

Second, I wanted to share with you the email (below) I sent to the Board members with my characterization of the events at the meeting. Toward the end of that message is a link to the revised legislative language that resulted from the meeting. While I think I have all of the important comments noted, obviously, I could not capture everything that happended in a 5 hour meeting.

The official minutes from the meeting are also available online at [http://www.va911.org/agendas\\_minutes.htm](http://www.va911.org/agendas_minutes.htm). The full Wireless E-911 Services Board will be considering the recommendations of the legislative committee at their special meeting scheduled for December 5, 2005 at 10:00AM in the auditorium of the Richmond Plaza Building (usual meeting location). I STRONGLY encourage anyone interested to attend. These legislative chages will guide E-911 deployment in the Commonwealth for many years to come. They should not be (and are not) taken lightly. I have already received new comments on the revised legislation from APCO (posted to [http://www.va911.org/legis\\_comments.htm](http://www.va911.org/legis_comments.htm)), which indicates that there still is opposition to some parts of the revised proposal.

The fundemental question of debate is whether the Board (or the Commonwealth more broadly) has or should have a role in the future of E-911 (beyond wireless including VoIP and the next generation of E-911). To be clear, this does NOT involve changing the local wireline funding or imposing a statewide VoIP surcharge. No one is recommending a change to the local E-911 funding and, though the Board has not taken a position as of yet (but may on Monday), the legislative committee has recommended supporting the collection of the local E-911 surcharge from VoIP. The legislation sets up the role of the Board to be planning for the future, providing assistance to PSAPs upon request and reporting needs and progress to the Governor and General Assembly.

Thanks again for your time...your input is truly appreciated and needed. Please try to attend the Board meeting on Monday if you can or you may also attend the alternate site at the Adult Education Center in Abingdon.

Steve Marzolf  
Virginia Information Technologies Agency Division of Public Safety Communications  
411 E. Franklin Street, Suite 500  
Richmond, Virginia 23219  
(804) 371-0015 (voice)  
(866) 4-VA-E911 (toll free)  
(804) 371-2277 (fax)

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From: Marzolf, Steve  
Sent: Wednesday, November 30, 2005 2:01 PM  
Subject: Legislative Committee Meeting Results

Yesterday, the Legislative Committee met as you directed them to at the last Board meeting. The meeting ran from 9:00 AM until 3:00 PM with an hour break for lunch. The committee members should be commended for their hard work and perseverance. At the end of the day, the committee was able to approve a set of recommended changes based on the comments received, but some of the recommendations were NOT unanimously approved. Additionally, they chose NOT to act on some of the comments leaving their prior recommended language in place. It is safe to also say that those in attendance were not satisfied with all of the outcomes so the goal of consensus was NOT achieved on all issues. But again, several issues were resolved and I think everyone came away from the meeting feeling they had been heard and their concerns were given consideration (or at least I hope so).

In preparation for the December 5th Special Meeting of the Board, I wanted to share with you (as briefly as I can) the results of the meeting. I am going to use the originally recommended language from the legislative committee as the starting point for explaining the new recommendations. To be clear, please ignore the changes I proposed at the last meeting. For clarity, I have again attached the original recommendation from the committee.

The committee took each issue point-by-point and discussed the comments received. The first issue was the funding changes. This was one area where the committee was unanimous and those in attendance were supportive of the changes. The general structure of the funding change was left intact. The changes made to their prior recommendation were to:

- 1) change the split of the revenue from 50%/50% going to the automatic funding of the PSAPs and the grants program to a 60%/40% split in favor of the automatic funding; and
- 2) change the biennial calculation of the automatic PSAP funding distribution formula to an annual process.

I put together a spreadsheet that shows the impact of each split and what the recalculation would do had it been in effect in FY2004 to 2005. I have attached it for your review.

[http://www.va911.org/pdf/Funding\\_Formula\\_Analysis.xls](http://www.va911.org/pdf/Funding_Formula_Analysis.xls)

The committee chose NOT to provide a guarantee of a particular funding level to the PSAPs as was requested noting that additional funding could be requested through the grants process if the PSAP receives less funding from one year to the next. Similarly, the committee chose NOT to provide a guarantee of 100% grant funding for equipment originally purchased with wireless E-911 program.

The committee chose NOT to recommend a change as it related to the comment that there should be a separate grants committee. The question seemed to be whether the committee needed to be established in Code or could be an ad hoc committee formed by the chairman as is often done now. By not taking a position, the committee is leaving the issue to the full board to decide.

Some of the most significant discussion involved the Board's role in VoIP and with the future E-911 network. Some of the opposing views expressed were pretty much those received in the written comments. Additionally, a significant concern about the VoIP funding came forward that I am not sure

was previously presented. The issue is that by recommending expanding the Board's role to VoIP, when (or if) the localities go forward with legislation to apply the wireline E-911 surcharge to VoIP, a legislator may shift the VoIP surcharge to the Board rather than to the localities since after all the Board is "responsible" for grant VoIP funding and we are modeling this after the wireless program that has statewide funding of wireless.

Another significant discussion point was whether the expansion of the Board's role needed to be made this year or whether it could wait until next year. I believe that this was the primary reason that resulted in a split vote of the committee (3-2 on the role in VoIP and 3-1 on the role in the future IP network). Based on the comments of committee members (though I will not attempt to speak for them), there seemed to be agreement on the need for state level planning and coordination. The primary question was whether we knew enough at this point to serve that role or whether we should wait for more definitive direction from the federal government or technology to advance further. On the split vote, the committee decided to leave the existing recommendation on expanding the Board's role to include VoIP E-911 and future communications technologies. Several in the audience opposed this position taken by the committee. On the future E-911 network role, the committee also decided to keep this recommendation, but with to language changes. The first adding a "c." to Section 56-484.13A to clarify that the Board is to serve this role in conjunction with VITA (and others) and not to "build" this IP network themselves. The second was to change the terms "promote and assist" in "A" of that same section. Though the committee was not recommending any change to these terms initially, at the request of several in the audience, the terms were changed to "plan, promote and offer assistance". Though some of the audience members said that this made the change less objectionable, they still opposed the entire concept of the Board having a role at all.

The committee discussed the composition of the Board. The end result was their taking a position that the telecommunications provider positions should be combined into one category rather than listing LEC and wireless members separately and that they should be reduced to two such members instead of the current three. Additionally, two PSAP members should be added to allow for greater diversity in their representation (the focus was on geographic diversity, but size diversity could also be considered). This would make it a 15 person Board with 9 from local government, 4 from state government and 2 from industry. The committee also chose NOT to recommend a change that would list the professional organizations that should be solicited for recommendations when Board appointments are to be made. I think the feeling was that they are appointments of the Governor and he/she will pick whomever he/she wants and often solicites such input now anyway. The decision not to recommend a change, while supported by all committee members, was strongly opposed by some in the audience.

(Sorry for the long message, but I want to give you a much detail as I think may be necessary...only four issues to go).

Next the committee discussed the VoIP grants. There was concern that the language previously recommended could be too broadly interpreted and applied. Additionally, that these grants should be targeted to PSAPs and not telecommunications carriers. Again building on the question of whether we had enough information to begin talking about VoIP grant funding, there was general consensus that this was an issue that could be put off for a year. This would have only been an authorization to spend funding not an appropriation of any funding. Since it would likely be next year before we know the amount of required funding anyway, we could seek the authorization and the appropriation at the same time. As a result, the committee is recommending the deletion of subsection 4 of 56-484.14 that was previously recommended by the committee for addition. This change also seem to address at least some fear about a connection being made to the local collection of VoIP surcharge revenue. Since the Board would NOT be seeking an authorization, let alone an appropriation, for VoIP grant funding, there wouldn't be any reason for a legislator to need to shift the VoIP surcharge to the Board since the Board would not be asking for general funds any longer.

Though there was considerable discussion and initial opposition, there appeared to be consensus among committee members and most in the audience to leave the recommendation for the Board to be allowed to publish best practices. The turning point in the discussion seemed to be when the question was asked if there was a "harm" to any PSAP not wishing to utilize the best practices. When no one could identify a harm, the follow-up question was that if the best practices would benefit one or more PSAPs, why shouldn't the Board provide this assistance. This resulted in agreement by most who had opposed the issue initially.

A new concern was expressed about the broad planning role of the Board in 56-484.13 (3). Though there was discussion throughout the meeting about how the proposed changes in the Board's role would give the Board carte blanche to get involved with anything having to do with E-911, this concern was specifically with the last sentence and how it could allow the Board to get involved with traditional wireline service in the future. As a result, the following clause was added to the committee's recommended language: "with the exclusion of traditional circuit-switched wireline 9-1-1 service." While this change was supported by all, there was still opposition to the overall concept of the Board's expanded role

And finally, three small issues were addressed in block without opposition. They were:

- 1) changing the term "enhanced emergency telecommunications service" to "enhanced 9-1-1 service"
- 2) correction the federal reference in the VoIP definition
- 3) retaining the true-up for FY2006 (there was a question whether the proposed language adequately does this, but everyone conceded that this could be worked out with counsel)

Obviously, I cannot capture every point that was discussed over the course of a 5 hour meeting and I am sure that those who do not feel I adequately covered their position or the events of the meeting will be in attendance next Monday to fill in the blanks. I have made the changes to the proposed legislative language to reflect the above and have, like last time, attached three files. The first utilizes word change tracking to show the changes to the original recommendations from the committee. The second (clean) accepts those changes in the format required for submission to legislative services. The final version is what it would look like if the General Assembly approves it as Code, which is probably the easiest to read.

[http://www.va911.org/board\\_reports.html](http://www.va911.org/board_reports.html)

I am hopeful that the meeting next Monday will go smooth and won't be long since the committee invested so much time in trying to resolve the issues, but there is clearly NOT unanimity on all issues. I would be happy to answer any questions you may have prior to the meeting or, of course, at the meeting. Again, sorry for the lengthy email. I will be forwarding you a copy of the official minutes as soon as they are completed (later today I hope), but I did not want to delay this message. I will also be forwarding this message to our email listservers and posting the documents online so that anyone interested can see how I characterized the meeting and read the current version of the documents. I will specifically also send copies to anyone who made comments so that they have an opportunity to revise or augment their comments.

Thank you for your patience and time commitment (for the new members...don't worry...it usually isn't this much)...

Steve Marzolf  
Virginia Information Technologies Agency Division of Public Safety Communications  
411 E. Franklin Street, Suite 500  
Richmond, Virginia 23219  
(804) 371-0015 (voice)  
(866) 4-VA-E911 (toll free)

(804) 371-2277 (fax)  
steve.marzolf@vita.virginia.gov